

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GWAUN DIRON FRIERSON,

Defendant - Appellant.

No. 07-6193
(D.C. No. CR-00214-001-HE)

ORDER

Filed September 12, 2007

Before **HENRY, TYMKOVICH**, and **GORSUCH**, Circuit Judges.

Defendant Frierson appeals the district court's final judgment entered on July 17, 2007 in his criminal case.

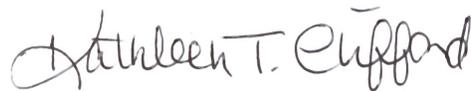
Under Fed. R. App. P. 4(b)(1)(A)(i), the ten-day deadline for filing a timely notice of appeal as to the judgment appealed by Defendant expired on July 31, 2007. Defendant filed a notice of appeal on August 24, 2007, which was twenty-four days past the initial ten-day filing deadline but within the thirty-day permissible extension period that expired on August 30, 2007. Defendant filed a "motion for extension of

time to file notice of appeal” in the district court. *See* Fed. R. App. P. 4(b)(4). In an August 31, 2007 Order, the district court denied Defendant’s motion, concluding that he failed to show excusable neglect or good cause to justify an extension of time.

Defendant’s notice of appeal is untimely. This court lacks appellate jurisdiction.

The appeal is **DISMISSED**.

Entered for the Court,
Elisabeth A. Shumaker, Clerk

A handwritten signature in black ink that reads "Kathleen T. Clifford". The signature is written in a cursive, flowing style.

Kathleen T. Clifford
Attorney - Deputy Clerk